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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,098	06/29/2001	Dwip N. Banerjee	AUS920010560US1	6737

			EXAMINER
35525	7590	01/20/2006	JABR, FADEY S

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ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/895,098	BANERJEE ET AL.
	Examiner	Art Unit	
	Fadey S. Jabr	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _14 November 2005_.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-45_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-45_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims **1-45** remain pending and are again presented for examination.

Response to Arguments

1.   Applicant's amendment filed 14 November 2005, with respect to the rejection under 35

U.S.C. section 101 has been withdrawn due to Applicant's amendment.

2.   Applicant's arguments filed 14 November 2005, with respect to rejections under 35

U.S.C. section 102 as being anticipated by "Domenick et al...." have been fully considered and

are not persuasive.

3.   Applicant's arguments filed 14 November 2005, with respect to rejections under 35

U.S.C. section 103 as being unpatentable over Domenick et al. in view of Laval et al. have been

fully considered and are not persuasive.

4.   Applicant's arguments filed 14 November 2005, with respect to rejections under 35

U.S.C. section 103 as being unpatentable over Domenick et al. in view of Kenigsberg et al. have

been fully considered and are not persuasive.

5.   Applicant argues (with respect to claims 1, 11, 21, 31 and 44) that Domenick et al. does

not teach accepting the request for the customized service when the customized service may be

provided, wherein the accepting is sent to a customer. Examiner notes that Domenick et al. does

disclose accepting the request for the customized service by confirming availability (Para. 20, lines 18-23) and presents the customized request to the customer (Para. 30).

6.   Applicant's arguments filed 14 November 2005 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., privileged services that are provided to certain groups of customers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7.   Applicant argues (with respect to claim 2) that Domenick et al. does not teach wherein determining if the customized service may be provided includes comparing the customized service parameters to a set of rules associated with the reservation system. Examiner notes that Domenick et al. does disclose the customized request to a set of rules (Para. 37, lines 4-6).

8.   Applicant argues (with respect to claim 21) that Domenick et al. does not teach wherein if the customized service parameters fall within the rules that are applicable to standard users, the customized service is determined to be able to be provided. Examiner notes that Domenick et al. does disclose applying travel service rules to the customized service, and are allowed if the travel service forms a valid custom travel package (Col. 5, Claim 11).

9.   Applicant argues (with respect to claim 38) that Domenick et al. does not teach wherein the communication session includes at least one of instant messaging, electronic mail messaging, data network telephony, and conventional telephone communications. Examiner notes that

Domenick et al. does disclose electronic mail messaging (email) to customers (Para. 29, lines 17-23).

10.   Applicant argues (with respect to claim 44) that Domenick et al. does not teach receiving a request for a customized service as a result of a user interaction with a web page displayed on a user device. Examiner notes that Domenick et al. does disclose a user sending a request for a customized service after interacting with the customer interface via the Internet (Para. 29, lines 15-33).

11.   Applicant argues (with respect to claim 44) that Domenick et al. does not teach responsive to detecting a customized service request, initiating a real-time communication session between a user associated with the user device and a representative associated with a service provider, wherein one endpoint of the communication session is the user device. Examiner notes that Domenick et al. does disclose custom packages based on the customer request, a dynamic communication engine, a customer interface that communicates with the travel service providers (Para. 22; Para. 29).

12.   Applicant argues (with respect to claims 1, 11, 16, 21, 31 and 44) that Domenick et al. does not teach accepting the request for the customized service if the customized service may be provided. Examiner notes that Domenick et al. does disclose accepting the customized request if its available, Domenick et al. confirms the availability and then reserves the customized service if it is available (Para. 29, lines 33-38).

13.   Applicant argues (with respect to claims 3, 13, 23 and 25) that Laval et al. does not teach a method wherein the rules that are applicable to standard users and rules that define fuzzy areas in which the rules applied to standard users may be relaxed for privileged users. Applicant also

argues that Laval et al. teaches most limitations for privileged users. Examiner notes that Laval

et al. does disclose rules that are applicable to standard users and rules that are relaxed for

privileged users. The rules that apply to standard users, i.e. waiting in line to access the ride, are

not applicable to privileged users because privileged users access the ride without having to wait

in line where the pass is just used for verification purposes and therefore access the ride when it

is convenient for them (Col. 3, lines 55-67; Col. 4, lines 1-7).

14.   Applicant's arguments filed 14 November 2005 have been fully considered but they are

not persuasive. In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, one of ordinary skill in the art would have been led to combine Domenick et

al. and either Laval et al or Kenigsberg et al seeing as the prior art is analogous.

15.   Applicant argues (with respect to claim 6) that Domenick et al. in view of Laval et al.

does not teach determining that the customized service is able to be provided if the customized

service parameters fall within the rules that define the fuzzy areas and the submitter is a

privileged user. Examiner notes that Domenick et al. does disclose determining if the

customized service can be provided. Domenick et al. discloses travel service rules that

determine if the customized service forms a valid custom travel package (Col. 5, Claim 11).

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims **1, 2, 7-12, 17-22, and 27-44** rejected under 35 U.S.C. 102(e) as being anticipated

by Domenick et al., Pub. No. US2002/0072937 A1.

As per **Claims 1, 11, 21, 31, and 44**, Domenick discloses a method of accepting

reservation requests in a reservation system, comprising:

- building a reservation comprises a set of individual services responsive to user input to

the reservation system (Para. 35, lines 1-7);

- receiving a request for a customized service in the reservation, wherein the

customized service is not predefined by the reservation system

(Para. 5, lines 3-4; Para.12, lines 5-6; Para. 22, lines 9-12; Para. 29 and 35);

- determining if the customized service may be provided based on customized service

parameters associated with the customized service (Para. 28, lines 3-6); and

- accepting the request for the customized service into the reservation system when the

customized service may be provided, wherein the accepting is sent to a customer (Para. 29, lines

18-23).

As per **Claims 2, 12, and 22**, Domenick discloses a method wherein determining

if the customized service may be provided includes comparing the customized service

parameters to a set of rules associated with the reservation system (Para. 37, lines 4-6).

As per **Claims 7, 17, and 27**, Domenick discloses a method further comprising:

- providing a software interface to a client computer, wherein the software

interface may be used to submit the request for the customized service (Para. 15).

As per **Claims 8, 18, 28, and 34**, Domenick discloses a method wherein the software

interface is one of an applet and a script (Para. 33).

As per **Claims 9, 19, and 29**, Domenick discloses a method further comprising:

- making a reservation based on the request for the customized service; and

scheduling the customized service (Para. 38).

As per **Claims 10, 20, and 30**, Domenick discloses a method wherein scheduling the

customized service includes scheduling the customized service with one or more service provider

reservation systems (Para. 38).

As per **Claim 32**, Domenick discloses a method wherein the at least one client device is

coupled to the reservation server via at least one of a data network, a telecommunications

network, a cellular network, a satellite communication network, an infrared communication

network, a Bluetooth network, and a Wireless Application Protocol network (Para. 29, Col. 2,

lines 3-9).

As per **Claim 33**, Domenick discloses a method wherein the reservation server transmits

a software interface to the at least one client device, and wherein the at least one client device

uses the software interface to submit the request (Para. 29).

As per **Claims 35, 38, and 41**, Domenick discloses a method wherein determining if the

customized service may be provided based on the customized service parameters includes

initiating a communication session between a first party associated with the reservation system

and a second party associated with a service provider

(Para. 29, Col. 2, lines 18-23).

As per **Claims 36, 39, and 42**, Domenick discloses a method wherein the communication

session includes at least one of instant messaging, electronic mail messaging, data network

telephony, and conventional telephone communication

(Para. 29, lines3-9).

As per **Claims 37, 40, and 43**, Domenick discloses a method wherein the communication

session includes a negotiation between the first party and the second party (Para. 9, lines 5-10).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims **3-6, 12-16, and 23-26** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Domenick et al., Pub. No. US2002/0072937 A1 in view of Laval et al., U.S. Patent No.

6,173, 209 B1.

        As per **Claims 3, 13, and 23**, Domenick discloses all of the limitations of claims

1, 11, and 21. Domenick fails to disclose a method wherein the rules include rules that are

applicable to standard users and rules that define fuzzy areas in which the rules applied to

standard users may be relaxed for privileged users. However, Laval et al. discloses a method in

which certain customers are entitled to certain routes while the standard customers must wait in

line (Col. 3, lines 55-67; Col. 4, lines 1-7). It would have been obvious to one of ordinary skill

in the art at the time of applicant's invention to modify the method of Domenick in order to have

less restrictive rules for privileged customers as disclosed by Laval et al. because it would be

obvious to want to reward or assist certain customers for their loyalty.

As per **Claims 4, 14, and 24**, Domenick further discloses a method wherein if the customized service parameters fall within the rules that are applicable to standard users, the customized service is determined to be able to be provided (Col. 5, Claim 11).

As per **Claims 5, 15, and 25**, Domenick discloses all of the limitations of claims 1, 11, and 21. Domenick fails to disclose a method wherein determining if the customized service may be provided further includes:

- determining whether a submitter of the request is a privileged user if the customized service parameters fall within the rules that define the fuzzy areas; and

- determining that the customized service is able to be provided if the customized service parameters fall within the rules that define the fuzzy areas and the submitter is a privileged user.

However, Laval et al. discloses a system that determines if a customer is an entitled and whether they made receive the loyalty award for being the entitled customer (Col. 3, lines 55-67; Col. 4, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Domenick in order to determine if the privileged customer is actually entitled to the service as disclosed by Laval et al. because it would be obvious to want only award the customers that are entitled to the service.

As per **Claims 6, 16, and 26**, Domenick further discloses a method wherein determining

if the customized service may be provided further includes:

- requesting the customized service from a service provider;

- receiving a response from the service provider; and

- determining that the customized service may be provided if the response from

the service provider indicates that the service provider can provide the customized service (Col.

5, Claim 11).

5.   Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Domenick et al.,

Pub. No. US2002/0072937 A1 in view of Kenigsberg et al, Pub. No. US2003/0036928 A1.

As per **Claim 45**, Domenick discloses all of the limitations of claims

44. Domenick fails to disclose a method wherein a fee and arrangements for the customized

service are negotiated. However, Kenigsberg et al. discloses a method in which customers can

customize their requests for a fee (Col. 8, Claim 11). It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to modify the method of Domenick in

order to allow a customer to modify their request for a fee as disclosed by Kenigsberg et al.

because it would be obvious to want to allow the user a request modification in order to satisfy

the customer while at the same time charging them a fee for the modification.

Conclusion

16.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the

references as applied to the claims below for the convenience of the applicant. Although the

specified citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply as well. It is

respectfully requested that the applicant, in preparing the responses, fully consider the references

in entirety as potentially teaching all or part of the claimed invention, as well as the context of

the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The

examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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Fadey S Jabr
Examiner
Art Unit 3639

FSJ

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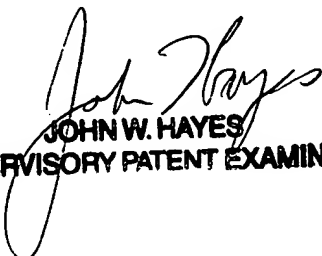follows:

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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER